IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Crl.Rev.Pet.No. 1416 of 2007()

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CC.2227/2002 of ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

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REVN. PETITIONER/COMPLAINANT:

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P.B.BABU,S/O.P.M.BAHULEYAN,AGED 52 YEARS
PONATH HOUSE,PERINJANAM P.O,KODUNGALLUR TALUK,
REP.BY POWER OF ATTORNEY HOLDER P.K.SACHIDANANDAN,
S/O.P.A KUNHAN,AGED 57 YEARS,RESIDING AT PALLATH
HOUSE,49/695 A,RAJEEV NAGAR ROAD,ELAMAKKARA P.O,
KOCHI-26.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS/ACCUSED:

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1. STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. TESSY JOHNSON,W/O.C.F.JOHNSON, CHUNGATH
   HOUSE,PANAYAPPALLY,KOCHI-02.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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C.R.R.P.No.1416 OF 2007

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Dated this the 30th day of March, 2007

ORDER

The revision petitioner is the complainant in C.C.No.2227/2002 who had initiated proceedings under Section 138 of the Negotiable instruments Act which stands dismissed under Section204(4) Cr.P.C. It is submitted that he happened to be absent on the posting date on account of the mistake in noting the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before the Additional Chief Judicial Magistrate Court, Ernakulam on 24.04.2007.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs